

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

(SUO MOTU) CONTEMPT PETITION NO.172 OF 2002
 IN
 CIVIL APPLICATION NO.175 OF 2002
 IN
 APPEAL FROM ORDER NO.336 OF 2001

High Court on its own motion.

V/s.

Mr.Sunil R. Prabhu & Anr. . . Respondents.

Mrs.Amarnath for contemnors.

Mr.Limaye for A.G.Damle for appellant in A.O.

CORAM: A.M.KHANWILKAR, J

DATE : JUNE 21, 2006.

P.C. :

1. Heard counsel for the parties.

2. Petitioner as well as respondents are present in court. Petitioner is mother of respondent NO.1. Respondent No.2 is wife of respondent No.1(daughter in law of petitioner). This suo motu proceeding has been initiated in terms of the order dated April 1, 2002. Two aspects have been brought to the notice of this court which pursued this court to initiate present proceeding. Firstly, that inspite of the assurance given the respondents, they did not pay outgoings of the society, electricity bills in time.

Secondly, the respondents continuously harassed the petitioner, despite the assurance given to the court that the petitioner will be looked after properly by them.

3. In so far as first aspect is concerned, it is now noticed that all the outgoings of the cooperative society as well as electricity bills have been paid by the respondents from time to time. Respondent Nos.1 and 2 who are personally present in the court undertake before this court that no default will be committed to pay the future outgoings regarding flat in question or the electricity bills as and when raised or received. That assurance is accepted. Even in case of one default this court will be required to take action for aggravated contempt. The respondents are willing to abide by the conditions, as may be imposed by this court including to ensure that the payment of outgoings of the flat and electricity bills are paid in time.

4. In so far as the second aspect is concerned, according to the respondents the allegations made by the petitioner that she has been continuously harassed by the respondent is incorrect. The petitioner on the other hand, has filed affidavit

before this court pointing out the nature of harassment. Both the parties are put to notice that in future they should not create any situation, which would result in any dispute. They undertake before this court to maintain congenial atmosphere in the house. That assurance is accepted. The respondent Nos. 1 and 2 further undertake before this court that to meet with the elementary needs of the petitioner, which is towards medical expenses and religious matters, the respondents will offer sum of Rs.3,000/- on or before 10th of every English Calender month to the petitioner. This assurance given on behalf of the respondents is accepted.

5. It is once again made clear that in case of even single default, if brought to the notice of this court or established and substantiated, the Court may take serious view of the matter. On the above basis the present contempt notice is discharged.

6. Counsel for the respondents points out that the petitioner has instructed the Secretary of the Society not to give Society's bill directly to the respondents, in that case, the respondents should not be made responsible for nonpayment of society's dues in time. It is made clear that from the date of

receipt of the society's bill or electricity bill by the respondents, they shall hand over the amount towards the dues of society and electricity bill within one week from the receipt thereof. The petitioner shall hand over the society's bill or electricity bill to the respondent No.1 or respondent No.2, as the case may be and shall take acknowledgement on the Xerox copy of the bills about the date and time of handing over to the concerned respondents. Petition disposed of on the above terms.